



the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website [www.hdcymru.co.uk](http://www.hdcymru.co.uk) under the 'New Site Developments' section.

NOTE: we would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements.

PCC-(M) Highways

9th Dec 2022

The County Council as Highway Authority for the County Class I Highway, A4811.

Wish the following recommendations/Observations be applied

Recommendations/Observations

The applicant previously gained consent under application number 21/1961/FUL for six terraced dwellings in the location, where the current application seeks eight flats.

The previous application qualified under Appendix 6 of the CSS Wales Parking Standards 2014 (CSS) for a parking reduction. The total number of parking bays required under the previous application was 40 after the parking reduction had been applied.

CSS states "Other than for Zone 1 City Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining and for all other developments the reduction shall not be applied unless an acceptable travel plan is also submitted."

Therefore, the eight flats do not qualify for a reduction in parking, being that each of the flats are one-bedroomed units.

The total allocation of parking bays at the wider development remains at 40 parking bays, as a reduction was previously applied to the two of the terraced dwellings.

Whilst the access is shared with the wider development, conditions shall be required in relation to securing the access improvements as part of the current proposal and we note the applicant has submitted full details of such.

The HA recommend that the following conditions be attached to any consent given.

1. Prior to any works commencing on the development site, all Highway and access Improvements shown on Drawing Numbers TP-LK-502 Rev E, TP-RC-504 Rev C, TP-SA-506 Rev C & TP-LS-507 Rev A, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

2. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

3. Prior to the occupation of any dwellings hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan TP-LK-502 Rev E. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

4. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

5. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

6. All access to the development hereby permitted shall be gained via the vehicular/pedestrian access onto the A4811 and pedestrian access via Cwrt Croesawdy. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

No surface water drainage from the site shall be allowed to discharge onto the county highway

Environmental Protection

24th Nov 2022

Construction-phase noise control

Due to the residential nature of the setting, Environmental Protection would recommend that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

"All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- o 0800-1800 hrs Monday to Friday
- o 0800-1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above

PCC-Affordable Housing Officer

13th Dec 2022

**Powys Common Housing Register for Social Housing and Social Housing Supply**  
Newtown – December 2022

**1. Summary**

households' 1st choice:	721
households' 2nd or subsequent choice:	310
households with a local connection:	686

**2. Housing Need and Demand**

Band 1, 2 and 3: Households that are in housing need.

Band 4: Households that are not in housing need, but would like to move.

Band 5: Households with and without housing need, but not ready to move.

Number of bedrooms is maximum number of bedrooms according common allocation policy.

**Households registered with Newtown as first preferred choice.**

1 <sup>st</sup> choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	146	202	49	26	10	433
Band 4	63	98	44	17	5	227
Band 5	32	17	10	2		61
<b>Total</b>	<b>241</b>	<b>317</b>	<b>103</b>	<b>45</b>	<b>15</b>	<b>721</b>

**Households registered with Newtown as second or subsequent preferred choice.**

2 <sup>nd</sup> choice	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	68	73	17	20	4	182
Band 4	29	38	24	6		97
Band 5	15	10	5	1		31
<b>Total</b>	<b>112</b>	<b>121</b>	<b>46</b>	<b>27</b>	<b>4</b>	<b>310</b>

**Households registered with Newtown as a preferred choice (both tables above combined).**

1 <sup>st</sup> or sub	1-bed	2-bed	3-bed	4-bed	≥5-bed	Total
Band 1,2,3	214	275	66	46	14	615
Band 4	92	136	68	23	5	324
Band 5	47	27	15	3	0	92
<b>Total</b>	<b>353</b>	<b>438</b>	<b>149</b>	<b>72</b>	<b>19</b>	<b>1031</b>

PCC-Contaminated Land Officer

29th Nov 2022

Concerning planning application 22/1906/FUL, the following advice is provided for the consideration of Development Control:

1. Records identify that the application site falls within the boundary of planning permission 21/1961/FUL, which was granted approval with attached land contamination planning conditions i.e., conditions 3, 4, 5, 6, 7 and 8 on the approval notice.

In respect of conditions 3, 4, and 5, attached to planning permission 21/1961/FUL, the

following information was submitted:

- o GeoSmart Information Ltd 'EnviroSmart: Phase 1 Contaminated Land Assessment - Former Travis Perkins Site, New Road, New Town, Powys' (ref: 752040R1) August 2021.
- o Groundfirst 'Phase 2 Land Quality Assessment: Millers Place, New Road, Newtown, Powys' (ref: 4258R1) 2nd June 2022.
- o Ground First Ltd 'Contaminated Land Remediation Strategy: Millers Place, New Road, Newtown, Powys' (ref: 4258R2rev1) 30th September 2022.
- o Ground First Ltd 'GF Responses to WK202210834 - 300922'.

As advised in a memorandum (ref: WK/202210834) dated 20 October 2022, in respect of planning permission 21/1961/FUL, prior to the discharge of conditions 6, 7 and 8, the approved remediation must be implemented and completed, and a site Verification Report, which demonstrates the effectiveness of the remediation undertaken, must be submitted for review and approval. In addition, it was advised that the remediation, verification and Verification Report must be completed by competent, qualified and experienced persons in accordance with current guidance and best practice e.g., the Environment Agency 'Land Contamination Risk Management' (LCRM) guidance.

2. As the planning application site falls within the boundary of planning permission 21/1961/FUL, and in consideration of the previously submitted information (referenced above), it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application 22/1906/FUL:

Condition: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority.

The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must

be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_ of the adopted Local Plan (date)].

Note to Applicant

#### Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645

PCC-(N) Land Drainage

5th Dec 2022

PCC Land Drainage have no comments to make on this application at this time.

The SuDS Approval Body (SAB) have previously approved surface water drainage arrangements for the site. Should there be any amendments to these arrangements, a new SAB approval should be sought.

Community Council

6th Dec 2022

The Town Council supports the application.

PCC-Building Control

17th Nov 2022

Please be aware that a Building Regulations application will need to be submitted prior to commencement.

Ward Councillor

21st Nov 2022

I am writing to ask for this application to be called in

I am very concerned regarding the amount of accommodation compared to the parking provided onsite. I am concerned that this will cause problems with people who have two vehicles or visitors.

There are already issues with parking on New Road and my concern that as there doesn't appear to be a lot of parking provided with all the other properties that are already going to be built on the development there will end up being a real parking issue that will impact the surrounding properties that are all ready there.

I would like this to be carefully considered by the planning committee.

Natural Resources Wales (Mid Wales)  
DPAS

9th Dec 2022

We refer to your consultation dated 17/11/2022. We have no objection to the proposed development as submitted and provide the following advice.

#### Foul Drainage

We note that the application form confirms the development proposes a connection to the mains sewer. A connection must be discussed with the local sewer operator.

#### Protected Species

We note that there is no information about protected species with the application and therefore, we are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

NRW therefore has no comments to make on the application, as submitted with regards to protected species. Please consult us again if any survey undertaken finds that any protect species are present at the site and you require further advice from us.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and



do not rule out the potential for the proposed development to affect other interests.

## Representations

Following the display of a site notice on 24<sup>th</sup> November 2022, one public response of objection has been received and is summarised as follows:

Inadequate access  
Inadequate parking provision  
Increase in traffic

## Planning History

App Ref	Description	Decision	Date
21/1961/FUL	Proposed residential development comprising 32 no. residential apartments and 6 no. terrace dwellings together with site facility building and all associated works	Approve	21/02/2022
22/0996/DIS	Discharge of planning condition no's 4,5,6,7 & 8 attached to planning permission 21/1961/FUL (site investigation report, remediation scheme, verification report, monitoring & maintenance scheme)	Split decision	08/08/2022
22/1406/DIS	Application to discharge conditions 3, 5, 6, 7, 8, 9, 10, 11 and 17 from planning approval 21/1961/FUL	Approve	25/11/2022
22/1791/NMA	Application for non-material amendments to permission 21/1961/FUL in respect of materials changes to elevations of apartment block	Approve	23/11/2022

## Principal Planning Constraints

Contaminated Land	Cemetery or Graveyard
LDP Development Boundaries	Newtown/ Y Drenewydd

LDP Retail Core Area  
C2 Floodzone  
Listed Buildings  
Scheduled Monument

Newtown

### Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN4	Retail and Commercial Development		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026

SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
R1	Development Within Town Centre Areas	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Developments Within	Local Development Plan 2011-2026

SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGNPP	The Newtown & Llanllwchaern Place Plan SPG (2021)	Local Development Plan 2011-2026
SPGCON	Conservation Areas SPG (2020)	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site location and description

The application site is located between the railway line and New Road within the development boundary of Newtown. The site is set back from the main road behind a short terrace of red brick houses. Access to the site is via a gated opening off New Road with a dedicated filter lane and follows a ramped access road to the upper levels of the site. The site was previously used as a Builder's Merchant and therefore comprises a securely fenced and gated yard.

Planning permission was granted under reference 21/1961/FUL for proposed residential development comprising 32 no. residential apartments and 6 no. terrace dwellings together with site facility building and all associated works on a larger site. This application relates to the northern part of 21/1961/FUL and seeks to replace the approved 6 no. terraced dwellings with a block of 8 no. apartments.

The following materials for external finishes are proposed:

- Lower external walls - Charcoal facing brick in stretcher bond with flush finished mortar.
- Ground floor and first floor external walls - red facing brick in stretcher bond with flush finished mortar. Recessed, brick panels as indicated.
- Roof - Anthracite Plain Concrete Tiles including photovoltaic panels on the front (south-east) elevation.
- Rainwater Goods - Hoppers and Downpipes to be aluminium flush joint circular downpipes and aluminium hoppers.
- Windows - Polyester powder coated aluminium.
- Doors - Polyester powder coated Aluminium.

### Principle

Given that residential development has previously been accepted on the site and that the development is located on a brownfield site within a sustainable location in the settlement boundary of Newtown, the principle of the development is considered acceptable and in accordance with policy H1 of the Local Development Plan.

### Housing density

The site area measures approximately 0.1ha and therefore exceeds the density guidelines set out within the LDP of 27+ units per hectare.

### Housing type

The proposal seeks to alter the house types from a terrace of 6 no. three storey, split-level dwellings to a block of two storey 8 no. apartments. The approved terrace of dwellings comprised two end dwellings with three bedrooms and the middle four with two bedrooms, whilst the proposed apartments would all be one-bedroomed units.

The Council's Housing Department have provided the December 2022 figures for the Powys Common Housing Register for Social Housing and Social Housing Supply which indicates a housing need for one-bedroom units; although it is noted that housing need for two-bedroom units is higher than one bedroom units. Nevertheless, it is recognised that the development is being constructed for a Registered Social Landlord which hold their own register and as such have identified a need for the development. In addition, the residential apartments approved under planning permission 21/1961/FUL included a

mixture of one and two bedroomed units.

In terms of affordable housing provision, condition 3 of the previous consent 21/1961/FUL required the submission and implementation of an affordable housing scheme. The scheme was submitted and approved under application 22/1406/DIS. Eight of the previously approved apartment block have been approved as the affordable dwellings and the increase in the number of units hereby proposed does not affect this affordable housing provision (20%) in terms of location or quantity.

### Design

The Newtown Town Character Appraisal connects the prevailing identity and character of the town to its Victorian industrial era, when 'back-to-back cottages, high density terraces and factories were built along a regular grid pattern'. By comparison, modern development is described as sprawling and scattered, diluting the fabric of the historic town. "Newtown has become fragmented due to public and private house building in the last 30 years." The overriding materiality of Newtown is brick and slate roofs, although examples of stone and render do exist.

The proposed block of apartments would be located to the rear of the existing Victorian terraced houses along New Road, at the intermediate level of the wider site. A shared amenity space would be sited to the front of the apartments, between the proposed apartments and the gardens associated with the existing dwellings. Whilst the amenity space would be an alteration from the previously proposed private gardens, it would remain the same size as the previously approved gardens. In addition, the apartment block would have the same footprint and height as the previously approved terrace. The block has been attractively designed and would be similar in size to the terrace of dwellings to the north-west. The use of brick would fit in with the surrounding residential properties and the use of tiles would be as previously approved. Overall, it is considered that the proposed development complements the surrounding area.

Some landscaping measures are proposed including the planting of native species trees, the construction of an attenuation rain garden and mixed flowering lawn. The proposed scheme is like that previously approved via condition.

Taking into account the site's location, its previous use together with the character and scale of surrounding buildings, whilst the proposed amenity space and landscape planting is limited, taking into account the constraints of the site and the previous approval, it is considered that that the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing and it would contribute towards the preservation of local distinctiveness and sense of place in accordance. The use of a condition to require the landscaping scheme to be implemented is recommended.

### Public open space

Given that the application proposes less than 10 units no specific public open space is

required for the development. It is noted that the previous approval included communal landscaped gardens.

The proposed change to an apartment block in place of the approved terrace would not impinge upon the previously approved public open space provision.

### Historic environment

#### - Setting of listed buildings

The site is located within proximity to a number of listed buildings, the nearest being the Parish Church of St David and Croesawdy. The Planning Authority is required to have special regard to the desirability of preserving the listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The setting of the identified listed buildings was considered within the previous proposal, within a Heritage Impact Assessment and by the Council's Built Heritage Officer.

Whilst Croesawdy has been listed since the determination of the previous application, given that the scale and design of the proposed development is similar to that previously approved, it is concluded that the development would not harm the identified listed buildings and would preserve the settings of the identified listed buildings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### - Setting of Scheduled Ancient Monument

Scheduled Ancient Monument MG160 Newtown Hall and Castle Mound is located approximately 137 metres to the north-west across New Road and Park Street and beyond residential and commercial properties. Given the intervening built-form, it is considered that the development would not unacceptably adversely affect the setting of the identified scheduled ancient monument.

#### - Archaeology

CPAT advised in relation to the previous application that information held within the Historic Environment Record indicates recorded archaeological site PRN 117915 Roman Road (Forden to Caersws) at the southern extreme of the site (outside of the application site area for the current proposal). An archaeological survey was carried out which confirms that the Roman road alignment is not present and has probably been truncated by previous development of the site. The proposed change would not affect this considered and as such, it is concluded that the development would not have an unacceptable adverse impact upon the identified archaeological site.

### Residential amenity

Whilst the apartment block would be sited on higher ground than the existing terraced dwellings along New Road, the previous submission demonstrated that the privacy and overshadowing guidelines within the Residential Design SPG would be complied with. Therefore, given that the siting and height of the apartment block would be similar to that previously approved, it is considered that adequate amenity levels would be retained by the separation distances.

Otherwise, given the close proximity to residential properties, the Environmental Protection department has recommended a condition to restrict construction working hours which is considered reasonable.

### Highway safety and parking provision

The Local Member has raised concern over parking provision at the overall site and the public response has raised concern over the access onto New Road and also levels of parking provision.

The Highway Authority did not object to the previous application and the previous consent approved the use of the existing access to the site off the A4811 highway. Conditions were attached to require the submission and approval of detailed engineering drawings for the vehicular access onto the A4811, on-street parking to include Traffic Order, road markings and associated works with an informative note that the developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of the requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage. The relevant condition was discharged under application 22/1406/DIS, following advice received from the Highway Authority. The approved drawings have been included within this submission and the Highway Authority has advised that conditions are required to securing the access improvements alongside the previously approved development.

In terms of parking provision, the previous application qualified under Appendix 6 of the CSS Wales Parking Standards 2014 (CSS) for a parking reduction. The total number of parking bays required under the previous application was 40 after the parking reduction had been applied.

The Highway Authority has advised that the eight flats do not qualify for a reduction in parking, being that each of the flats are one-bedroomed units. However, the total allocation of parking bays associated with the wider development remains at 40 parking bays, as a reduction was previously applied to the two of the terraced dwellings and as such the proposed parking provision remains adequate for the overall site.

### Natural environment

- Protected species

The previous application was supported by an Ecological Appraisal Report dated



14.5.21 which concluded that due to the nature of the site (primarily hardsurfaced), no protected species were likely to be present and negatively impacted by the proposed development.

In terms of external lighting, the ecological report recommended suitable lighting and location, in order to ensure there will be no conflict with the proposed biodiversity enhancements or protected species that may utilise the site at night. It is therefore recommended that an External Lighting Plan is secured through an appropriately worded condition as this information has not been provided pre-determination.

On this basis of the advice received from the Council's Ecologist on the previous application and NRW, it is considered that the development is unlikely to unacceptably adversely affect protected species.

- Protected sites

The Council's Ecologist advised during the processing of the previous application that there are no statutory or non-statutory designated sites present within 500m of the proposed development and as such it is considered unlikely that the development would unacceptably adversely affect any protected site.

- Biodiversity enhancement

The ecological report made recommendations regarding the installation of one integrated bat box and bird boxes. The Ecologist recommended additional features (additional bird and bat boxes and hedgehog friendly fencing) for priority species which were included on an ecological enhancement site plan. In respect of the site the subject of this application, the ecological enhancement plan included hedgerow friendly fencing, integral sparrow houses and bat boxes which have not been included in the current submission. Therefore, it is recommended that a condition is attached to secure the previously agreed biodiversity enhancements.

As discussed above, additional planting is proposed which incorporates native species planting and which was approved via condition under application 22/1406/DIS. It is recommended that the implementation of the landscaping scheme is secured via condition.

#### Flooding and surface water drainage

The site is not located within a C2 Flood Zone, however the Council's Land Drainage Department previously advised that there is a risk of surface water flooding to the wider site. The developer's drainage consultant provided additional information and clarified that a small area of the wider site towards the railway line that extends across the wider site and to the rear of the church is shown as potential flood risk. Therefore, the surface water flood risk relates to land outside the site area for the current application and the flooding identified will be addressed as part of a SAB application through a drainage

strategy. The Council's Land Drainage Section previously clarified that no further information was required and have not objected to the current application.

In terms of surface water flooding, Hafren Dyfrdwy have requested that a condition is attached to any consent to require the submission and approval of details of surface water disposal. The application form indicates that it is proposed to dispose of surface water drainage via mains sewer and a sustainable drainage scheme. It is also noted that SAB approval will be required for the development. Therefore, it is not considered reasonable or necessary to attach the condition recommended by Hafren Dyfrdwy.

### Contaminated land

Planning application 21/1961/FUL was granted approval subject to land contamination conditions requiring the submission and implementation of further contaminated land assessments and remediation strategy. The relevant conditions have been discharged under application reference 22/1406/DIS, however three conditions remain outstanding, in relation to the implementation and completion of the approved remediation strategy and the submission of a site Verification Report to demonstrate the effectiveness of the remediation undertaken. Therefore, the Council's Contaminated Land Officer has recommended that a condition is attached to require the approved remediation scheme to be carried out, etc to reflect the outstanding requirements.

### Foul drainage

As previously agreed, it is proposed to connect into the public sewerage system and Hafren Dyfrdwy have confirmed that they have no objections to the proposals subject to the inclusion of a condition requiring the submission and approval of drainage plans for foul and surface water flows. The previously approved plans indicated that a foul drainage connection will be made into an existing combined sewer on New Road and as such it is considered that an adequate level of detail has been provided to demonstrate that adequate utility services exist and can be connected to. Therefore, the condition recommended by Hafren Dyfrdwy is not considered reasonable or necessary.

### Waste

Bin stores were previously approved as communal facilities easily accessible to both the multi-unit apartment building and smaller apartment block to the west end of the primary access route. Recycling boxes for houses are to be accommodated within the dwelling and collected from kerbside. It is therefore considered that adequate information has been provided in this respect.

## **RECOMMENDATION**

The concerns raised by the Local Member and within the public representations have been carefully considered, however given the advice provided by the Highway Authority, it is considered that the access and parking provision is adequate. Otherwise, the

provision of residential units within the development boundary of Newtown is supported as discussed above and relevant matters can be conditioned appropriately. Therefore, the recommendation is one of conditional consent as set out below.

## Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the following approved plans and documents: TP-LK-502 Rev E, TP-RC-504 Rev C, TP-SA-506 Rev C, TP-LS-507 Rev A, 2044 GA 206 Rev. A, 2044 P 405 Rev. B, 2044 P 202 Rev. A, 2044 P 355 Rev. B, 2044 EX 004.
3. Prior to any works commencing on the development site, all Highway and Access Improvements shown on Drawing Numbers TP-LK-502 Rev E, TP-RC-504 Rev C, TPSA-506 Rev C & TP-LS-507 Rev A, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
4. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
5. Prior to the occupation of any dwellings hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan TPLK-502 Rev E. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
6. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
7. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
8. All access to the development hereby permitted shall be gained via the vehicular/pedestrian access onto the A4811 and pedestrian access via Cwrt

Croesawdy. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

9. No surface water drainage from the site shall be allowed to discharge onto the county Highway.
10. The approved remediation scheme (approved under application 22/1406/DIS - Ground First Ltd 'Contaminated Land Remediation Strategy: Millers Place, New Road, Newtown, Powys' (ref: 4258R2rev1) 30<sup>th</sup> September 2022 and Ground First Ltd 'GF Responses to WK202210834 – 300922) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).
11. Prior to the occupation of any dwelling hereby approved, biodiversity enhancement measures as detailed below shall be implemented:
  - Installation of 2 no. integral enclosed Bat box type “C” within apartment fabric on south-eastern elevation;
  - Installation of 2 no. integral Sparrow houses within apartment fabric on north-western elevation; and
  - Installation of hedgerow friendly fencing to allow for free movement between internal and external site boundaries.

The above enhancement measures shall be retained and maintained in perpetuity.

12. All planting, seeding or turfing comprised in the approved details of landscaping (drawing no. 2044 GA 206 Rev. A) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of

the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

13. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
  - o 0800-1800 hrs Monday to Friday
  - o 0800-1300 hrs Saturday
  - o At no time on Sundays and Bank HolidaysDeliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above
  
14. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 18: Transport (2007).
4. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 18: Transport (2007).
5. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 18: Transport (2007).
6. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 18: Transport (2007).

7. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 18: Transport (2007).
8. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 18: Transport (2007).
9. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 18: Transport (2007).
10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2011-2026).
11. To comply with Policy DM2 of the Powys Local Development Plan (Adopted 2018) in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
12. To comply with Policies DM2 and DM13 of the Powys Local Development Plan (Adopted 2018) in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.
13. To protect the amenities enjoyed by the occupants of neighbouring properties in accordance with Policy DM13 of the Powys Local Development Plan (2011-2026).
14. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2011-2026) in relation to The Natural Environment and Dark Skies and External Lighting and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note TAN 5: Nature Conservation and Planning (2009) and Part 1 Section 6 of the Environment (Wales) Act 2016.

## **Informatives**

Council's Contaminated Land Section:

Further advice on compliance with the contaminated land condition may be

obtained by contacting the Environmental Health Service on 01597 827645.

Highway Authority:

The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of the requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage. Further information relating to Traffic Regulation Orders can be found in Section E of the CSS Wales Common Standards Guide 2020.

**NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING:**

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the highway re-alignment works and road markings on the A4811.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking/>

[street.works@powys.gov.uk](mailto:street.works@powys.gov.uk)

Street Works

Powys County Hall

Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG  
0845 6027035

Advice from Hafren Dyfrdwy:

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website [www.hdcymru.co.uk](http://www.hdcymru.co.uk) under the 'New Site Developments' section.

NOTE: we would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements.

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Case Officer: Kate Bowen, Senior Planning Officer  
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